

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
FRANK CORSINI, *et al.*,

Plaintiffs,

-against-

EDWARD J. REICH, *et al.*,Defendants.
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24-CV-3196 (VSB)

ORDERVERNON S. BRODERICK, United States District Judge:

On April 26, 2024, Plaintiffs filed this action against Defendants. (Doc. 1.) To date, Plaintiffs have obtained summonses for only five of the eight Defendants: Boies Schiller Flexner LLP, Dentons US LLP, Edward J. Reich, Ian Dumain, and James M. Costan. (Docs. 7, 8, 10, 18, 21.) Of those five Defendants, Plaintiffs have filed an affidavit of service for only two. (Docs. 11, 19.) Accordingly, it is hereby:

ORDERED that, no later than August 6, 2024, Plaintiffs shall submit a letter of no more than three (3) pages, supported by legal authority, demonstrating good cause as to why the Defendants who have not yet been served should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). “Good cause is generally found only in exceptional circumstances where the plaintiff’s failure to serve process in a timely manner was the result of circumstances beyond its control.” *E. Refractories Co. v. Forty Eight Insulations, Inc.*, 187 F.R.D. 503, 505 (S.D.N.Y. 1999) (internal quotation marks omitted). “District courts consider the diligence of plaintiff’s efforts to effect proper service and any prejudice suffered by the defendant as a consequence of the delay.” *Id.* (internal quotation marks omitted). “An attorney’s inadvertence, neglect, mistake or misplaced reliance does not constitute good cause.” *Howard v. Klynveld Peat Marwick*

Goerdeler, 977 F.Supp. 654, 658 (S.D.N.Y.1997) (citing *McGregor v. United States*, 933 F.2d 156, 160 (2d Cir.1991), *aff'd*, 173 F.3d 844 (2d Cir.1999)). Plaintiffs are warned that failure to submit a letter and to demonstrate good cause for failure to serve the above-referenced Defendants within ninety days after the complaint was filed will result in the dismissal of those Defendants.

SO ORDERED.

Dated: July 31, 2024
New York, New York


VERNON S. BRODERICK
United States District Judge